

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WEST VIRGINIA HIGHLANDS  
CONSERVANCY and SIERRA CLUB,

Plaintiffs,

v.

CIVIL NO. 2:19-CV-41  
(KLEEH)

BROOKS RUN MINING COMPANY, LLC,

Defendant.

**ORDER GRANTING MOTIONS FOR ATTORNEYS' FEES  
AND CIVIL PENALTIES [ECF NOS. 37, 39]**

On April 13, 2022, the Court entered a briefing schedule on the issue of damages. Plaintiffs filed a motion for attorneys' fees and a motion for civil penalties in accordance with the schedule, but Defendant has not filed a response. For the reasons cited in Plaintiffs' motions, and noting Defendant's lack of response, the motions are **GRANTED** [ECF Nos. 37, 39].

The Court hereby **AWARDS** attorneys' fees to Plaintiffs in the amount of \$41,212.25 and expenses in the amount of \$1,949.58, for a total of **\$43,161.83**. The Court further **FINDS** that Defendant is subject to a civil penalty of **\$649,500.00**.

It is so **ORDERED**.

The Clerk is directed to enter a separate order of judgment; strike this case from the Court's active docket; and transmit copies of this Order to counsel of record.

DATED: September 22, 2022



THOMAS S. KLEEH, CHIEF JUDGE  
NORTHERN DISTRICT OF WEST VIRGINIA